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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,861	07/21/2003	Paul Cancilla	23-0419	7659

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EXAMINER

LAO, LUN S

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,861

Applicant(s)

CANCILLA, PAUL

Examiner

Lun-See Lao

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07-21-2003</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Introduction*

1. Claims 1-9 of U.S. application 10/264,861 filed on 07-21-2003 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devitt (US PAT. 5,212,733) in view of Gibson (US PAT. 6,490,359).

Consider claim 1, DeVitt teaches that a *configurable surround sound system comprising:*

a control processing unit (fig.1,12);

a user interface means (32,34 such as keyboard and mouse) connected to said control processing unit (see fig.1, (12));

a monitor (18) connected to said control processing unit (12);

a means for transmitting sound signals (14) connected to say control processing unit (12 and see col.4 line 47-col.5 line 17);

a means (10) for mixing in sound signals with the sound signals received from said control processing unit (12 and see col.3 line 10-col.4 line 25);

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a means (46,48) for amplifying the sound signals received from said mixing means (see fig.1, 14); and a plurality of speakers (52,54) connected to say amplifying means (see fig.1 50, and col. 3 line 10-col. 4 line 35); but Devitt does not clearly teach a means for creating.

However, Gibson teaches a means (see figs. 6, and 10c-10g and col.8 line 33-col. 9 line 55) for creating and transmitting sound signals ((see fig.2, 24) connected to say control processing unit (50 and see figs. 6, and 10c-10g and col.8 line 33-col. 9 line 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Gibsonto into DeVitt to provide an apparatus for mixing audio signal having a plurality of audio characteristics associated therewith.

Consider claims 2-4, DeVitt discloses that a configurable surround sound system, wherein said control processing unit (see fig.1, 12) includes a sound signal converter, a plurality of input channels (see fig.1 (1-4)), and a plurality of output channels (see fig.1 52,54) and;

wherein said user interface means (32) includes a keyboard (see fig.1, 32) and;

wherein said user interface means (34) also includes a mouse (see fig.1, 34).

Consider claims 5-6, DeVitt teaches that a configurable surround sound system, wherein said means for transmitting sound signals includes at least one sound producing member (52,54) having a plurality of output channels (see fig.1, 52,54 (left and right channels)), said sound producing member being connected to said control processing unit (12 and see col.5 lines 19-50 and see the discussion in claim 1) and;

wherein said means (10) for mixing in sound signals includes a mixer board (14) having a plurality of input (see fig.1 1-4) and output channels (see fig.1 52,54), a plurality of volume control members (46,48), and a plurality of sound signal positioners (52, 54 and see col.3 line10-col.3 line 35).

4. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devitt (US PAT. 5,212,733) as modified by Gibson (US PAT. 6,490,359) as applied to claims 1-6 above, and further in view of Sifvajt (US PAT. 5,402,501).

Consider claim 7, Devitt and Gibson fail to teach that a configurable surround sound system, wherein said plurality of sound signal positioners include dials rotatably mounted upon said mixer board and, each dial controlling a sound signal received in a respective said input channel and also directing a sound signal transmitted to a respective said output channel.

However, Silfvajt discloses that a configurable surround sound system, wherein said plurality of sound signal positioners include dials rotatably (see fig.3 a-e) mounted upon said mixer board and, each dial controlling a sound signal received in a respective said input channel and also directing a sound signal transmitted to a respective said output channel (see col.6, line 40-col.7, line5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Sifvajt into the teaching of DeVitt and Gibson to provide a unique mixer console with an absolute minimum of crosstalk or noise contributed by control device and the sound mixing device for friendly using.

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Consider claim 8, Silfvajt teaches that a configurable surround sound system, wherein said computer (see figs. 1-2) processing unit includes computer software which would control the transmitting of sound signals to said mixer board in whatever pattern desired (see col.5, line 40-col.6, line 5).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Devitt (US PAT. 5,212,733) in view of Gibson (US PAT. 6,490,359) and Silfvajt (US PAT. 5,402,501).

Consider claim 9, DeVitt discloses that a configurable surround sound system comprising: a control processing unit (see fig.1, 12) including a sound signal converter, a plurality of input channels (see fig.1, 1-4), and a plurality of output channels (fig.1 52,54, (left and right channels)) said computer processing unit (12) further including computer software (see fig.1, 40) which would control the transmitting of sound signals to said mixer board (fig.1 14) in whatever pattern desired;

a user interface means (32,34) connected to said control processing unit (see fig.1 12), said user interface means including a keyboard (see fig.1, 32), a mouse (see fig.1, 34) and

controller unit (12) for triggering messages to said control processing unit (see fig.1, 12 and see col.3 line 10-col. 4 line 25);

a monitor (18) connected to say control processing unit (see fig.1, 12);

a means for transmitting sound signals connected to said control processing unit (12) and including at least one sound producing means (52,54) having a plurality of output

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channels (such as left and right channels), said sound producing means (52,54) being connected to said control processing unit (12 and see col.4 line 45-col.5 line16);

a means (10) for mixing in sound signals with the sound signals received from said control processing unit (12) including a mixer board (14, mixing circuit) having a plurality of input (1-4) and output channels (52,54 left and right channels), a plurality of volume control members (46,48),

a means (46, 48) for amplifying the sound signals received from said mixing means (see fig.1, 44); and a plurality of speakers (52, 54) connected to say amplifying means (see fig.1, 50 and col.3 line 25-col.4 line 35); but, DeVitt does not clearly teach that a means for creating and a plurality of sound signal positioners which include dials rotatably mounted upon said mixer board and, each dial controlling a sound signal received in a respective said input channel and also directing a sound signal transmitted to a respective said output channel.

However, Gigson teaches that a means (see figs. 6, and 10c-10g and col.8 line 33-col. 9 line 55) creating for transmitting sound signals connected to said control processing unit (see fig.2, 50) and including at least one sound producing means (24) having a plurality of output channels (such as left and right channels), said sound producing means (24) being connected to said control processing unit (50 and see figs. 6, and 10c-10g and col.8 line 33-col. 9 line 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, would have been motivated to combine the teaching of DeVitt

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and Gibsonto achieve an apparatus for mixing audio signal having a plurality of audio characteristics associated therewith.

On the other hand, Slifvajt teaches that a plurality of sound signal positioners which include dials rotatably mounted upon said mixer board and, each dial controlling a sound signal received in a respective said input channel and also directing a sound signal transmitted to a respective said output channel (see figs. 3a-3e and col.6 line 5 – col.7 line 47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Sifvajt into the teaching of DeVitt to provide a unique mixer console with an absolute minimum of crosstalk or noise contributed by control device and the sound mixing device for friendly using.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Timis (US PAT. 5,792,971) and Gunness (US PAT.6, 009,182) are recited to show other related the configurable surround sound system.

7. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:  
**(703) 872-9306**

Hand-delivered responses should be brought to:  
Customer Service Window  
Randolph Building



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401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501  
Date 09-22-2005 LLS

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600